

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 FOR THE WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 ALICIA SWEARINGEN and DAVID
10 SWEARINGEN, on their own behalf and on
11 behalf of their minor child, L.S.,

12 Plaintiffs,

13 v.

14 NORTH THURSTON SCHOOL DISTRICT,

15 Defendant.

16 Case No.: 3:18-cv-05727-TSZ

17 ORDER

18 Plaintiffs' unopposed motion, docket no. 59, for approval of minor settlement, is
19 GRANTED, and it is hereby ORDERED:

- 20 1. The proposed settlement of \$905,000.00 to settle the claims of L.S., a minor, and
21 L.S.'s parents, Alicia Swearingen and David Swearingen, is approved.
22 2. The parents are authorized to execute a release of L.S.'s claim or claims against
23 defendant North Thurston School District.
24 3. The attorney's fees in the amount of \$301,666.67, which represent one-third of the
25 gross settlement, are reasonable and approved.
26 4. Corr Cronin LLP's costs in the amount of \$39,999.75 are reasonable and approved.

- 1 5. Cedar Law PLLC's costs in the amount of \$14,514.50 are reasonable and approved.
- 2 6. Pursuant to the parties' agreement, the Settlement Guardian ad Litem's fees and costs
- 3 in the amount of \$6,936.00 shall be paid by North Thurston School District or its
- 4 insurer within sixty (60) days of the entry of this Order.
- 5 7. The settlement funds shall be disbursed as follows:

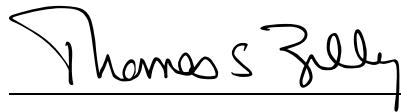
6 Attorney's fees jointly payable to Corr Cronin LLP 7 and Cedar Law PLLC	\$301,666.67
8 Costs to be reimbursed to Corr Cronin LLP	\$ 39,999.75
9 Costs to be reimbursed to Cedar Law PLLC	\$ 14,514.50
10 Kaiser Permanente Subrogation Lien	\$300,000.00
11 Net proceeds to be made payable to Alicia Swearingen	\$ 24,881.91
12 Net proceeds to be made payable to David Swearingen	\$ 24,881.91
13 Net proceeds to be placed into an account for L.S. 14 with Lifetime Advocacy Plus Master Pooled Asset Trust	\$199,055.26

- 15 8. L.S.'s account with the Master Pooled Asset Trust shall be administered by Lifetime
16 Advocacy Plus (the "Trustee"). As a special needs trust, L.S.'s account will have no
17 specific termination date, but the trust instrument shall contain provisions for how
18 any remaining assets shall be distributed if L.S.'s disability ends or upon L.S.'s death.
- 19 9. The Trustee is authorized to distribute, without delay, up to \$15,000 for the purchase
20 of a vehicle for L.S.
- 21 10. Plaintiffs' counsel shall obtain a Receipt of Deposit of Funds into the trust account,
22 shall open a trust reporting matter with the King County Superior Court, and shall
23 file the Receipt in that matter.
- 24

11. One year from the date of this Order, Alicia and David Swearingen shall submit a
1 report to the King County Superior Court, which shall include an accounting
2 regarding the settlement funds deposited in the Master Pooled Asset Trust. If the first
3 report and accounting is met with approval, subsequent reports shall be required
4 triennially (rather than annually), to reduce the administrative expense on the Trust.
5
6. 12. Both the Settlement Guardian ad Litem (Christopher M. Henderson of Brothers &
7 Henderson, P.S.) and the parents are authorized to execute any document and enter
8 into any agreement on L.S.'s behalf that is necessary to fulfill the provisions of this
9 Order.
- 10
11. 13. Upon the filing of the Receipt of Deposit of Funds with the King County Superior
Court, the Settlement Guardian ad Litem shall be discharged from all duties and
12 obligations in connection with his appointment in this matter.
- 13
14. 14. The parties having reached a settlement in principle, which has been approved by the
Court pursuant to Local Civil Rule 17(c), and the parties having identified no issue
15 remaining for the Court's determination, this case is hereby DISMISSED with
16 prejudice, provided that, in the event the proposed settlement is not perfected, any
17 party may move, within sixty (60) days of the date of this Order, to reopen the matter
18 and trial will be scheduled.
- 19
20. 15. The Clerk is directed to send copies of this Order to all counsel of record and the
Settlement Guardian ad Litem, and to CLOSE this case.
- 21
- 22
- 23
- 24
- 25

IT IS SO ORDERED.

DATED this 27th day of October, 2021.



Thomas S. Zilly
United States District Judge

Presented by:

CEDAR LAW, PLLC

By: s/ Lara Hruska
Lara Hruska, WSBA No. 46531
Attorney for Plaintiffs

CORR CRONIN LLP

By: s/ Steven W. Fogg
Steven W. Fogg, WSBA No. 23528
Attorneys for Plaintiffs

Approved as to Form:

Floyd Pflueger & Ringer, P.S.

By: s/ Amanda Daylong
Francis S. Floyd, WSBA No. 10642
Amanda Daylong, WSBA No. 48013
Attorneys for North Thurston School District